

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CAROLINA POWER & LIGHT )  
COMPANY, doing business as Progress )  
Energy Carolinas, Inc., )

Plaintiff, )

v. )

UNION ELECTRIC COMPANY; )  
AMERICAN ELECTRIC )  
CORPORATION; TOWN OF )  
BLACKSTONE, VIRGINIA; BONNER )  
ELECTRIC, INC.; CHEVRON MINING, )  
INC., as successor-in-interest to Pittsburg )  
& Midway Coal Mining Company; )  
COHEN AND GREEN SALVAGE )  
COMPANY, INC.; OWEN ELECTRIC )  
STEEL COMPANY OF SOUTH )  
CAROLINA and/or SMI-OWEN STEEL )  
COMPANY, INC. and/or SMI STEEL, an )  
Alabama corporation operating a steel )  
plant in Cayce, South Carolina and/or )  
Commercial Metals Company as )  
successors in interest to SMI Steel doing )  
business as CMC Steel South Carolina; )  
COOPER INDUSTRIES, INC., as )  
successor-in-interest for Abex Friction )  
Products Division of Abex, Inc; COTTER )  
ELECTRIC COMPANY; CITY OF )  
DOVER, DELAWARE; ENDICOTT )  
CLAY PRODUCTS COMPANY; )  
HAGERSTOWN LIGHT )  
DEPARTMENT; HUNTSVILLE )  
UTILITIES; JET ELECTRIC MOTOR )  
CO., INC.; KELLY GENERATOR & )  
EQUIPMENT, INC. and/or KELLY )  
ELECTRICAL CONSTRUCTION, INC. )  
f/k/a KELLY & BISHOP ELECTRICAL )  
CONSTRUCTION, INC. )

JUDGMENT

No. 5:08-CV-460-FL

and/or JOHN E. KELLY & SONS )  
 ELECTRICAL CONSTRUCTION, INC.; )  
 LAFARGE MID-ATLANTIC, LLC , )  
 and/or LAFARGE MID-ATLANTIC, INC. )  
 AS SUCCESSOR-IN-INTEREST TO OR )  
 REDLAND GENSTAR, INC. AND )  
 GENSTART STONE PRODUCTS, INC.; )  
 LEWIS ELECTRIC SUPPLY CO., INC.; )  
 CITY OF MASCOUTAH, ILLINOIS; M-P )  
 ELECTRICAL CONTRACTORS, INC.; )  
 NEW SOUTHERN OF ROCKY MOUNT, )  
 INC.; NORTH CAROLINA )  
 DEPARTMENT OF AGRICULTURE )  
 AND CONSUMER SERVICES; P.C. )  
 CAMPANA, INC.; PHOENIX )  
 SOLUTIONS COMPANY, as successor in )  
 interest to Plasma Energy Company; )  
 SURRY-YADKIN ELECTRIC )  
 MEMBERSHIP CORPORATION; )  
 TENNESSEE ASSOCIATED ELECTRIC, )  
 INC. OR TENNESSEE ASSOCIATED )  
 ELECTRIC, also known as Tennessee )  
 Associated Electric Holdings, Inc.; )  
 VENTECH ENGINEERS, INC., and/or )  
 VENTECH PROCESS EQUIPMENT, )  
 INC. and/or VENTECH EQUIPMENT )  
 INC. and/or THE VENTECH )  
 COMPANIES; W.R. SCHOFIELD )  
 CONSTRUCTION CO., INC.; OWEN )  
 ELECTRIC STEEL COMPANY OF )  
 SOUTH CAROLINA; VEOLIA )  
 ENVIRONMENTAL SERVICES )  
 WASTE-TO-ENERGY f/k/a )  
 MONTENAY POWER CORPORATION; )  
 INTERNATIONAL POWER )  
 MACHINERY COMPANY; 3M )  
 COMPANY; ALCAN PRIMARY )  
 PRODUCTS CORPORATION; ALCOA, )  
 INC.; AMERICAN SKIING COMPANY; )  
 APOGEE COAL COMPANY, LLC; )  
 APPALACHIAN POWER COMPANY; )  
 ARKEMA, INC., f/k/a Pennwalt )  
 Corporation; ATLANTIC CITY )  
 ELECTRIC COMPANY; BALTIMORE )  
 GAS & ELECTRIC COMPANY;

BASF CORPORATION; BASSET )  
 FURNITURE INDUSTRIES, INC.; )  
 BAYER CROPSCIENCE, INC.; )  
 BEDFORD RURAL ELECTRIC )  
 COOPERATIVE, INC.; BLUE RIDGE )  
 ELECTRIC COOPERATIVE, INC.; )  
 BROAD RIVER ELECTRIC )  
 COOPERATIVE, INC.; BRUCE- )  
 MERRILEES ELECTRIC COMPANY; )  
 BUIST ELECTRIC, INC.; CAPE )  
 HATTERAS ELECTRIC MEMBERSHIP )  
 CORPORATION; CARGILL, )  
 INCORPORATED; CARLISLE SYNTEC )  
 INCORPORATED; CARR AND DUFF, )  
 INC.; CATERPILLAR, INC.; CBS )  
 CORPORATION; UNITED STATES )  
 CENTRAL INTELLIGENCE AGENCY; )  
 UNITED STATES DEFENSE )  
 LOGISTICS AGENCY; UNITED )  
 STATES DEPARTMENT OF THE )  
 ARMY; UNITED STATES )  
 DEPARTMENT OF THE NAVY; )  
 UNITED TECHNOLOGIES )  
 CORPORATION; UNIVERSITY OF )  
 NORTH CAROLINA AT CHAPEL HILL; )  
 VIRGINIA ELECTRIC AND POWER )  
 COMPANY (VEPCO); VULCAN )  
 CONSTRUCTION MATERIALS, )  
 LIMITED PARTNERSHIP; WARREN )  
 ELECTRIC COOPERATIVE, INC.; )  
 WARTBURG COLLEGE; )  
 WASHINGTON SUBURBAN )  
 SANITARY COMMISSION; WEST )  
 PENN POWER COMPANY; )  
 WEYERHAEUSER COMPANY; )  
 CENTRAL REGIONAL HOSPITAL; )  
 CHEMICAL PRODUCTS )  
 CORPORATION; CHERRY HOSPITAL; )  
 CHRISTUS HEALTH; CLEVELAND )  
 ELECTRIC COMPANY; COGENTRIX )  
 ENERGY, LLC; CONOCOPHILLIPS )  
 COMPANY; CONSOLIDATION COAL )  
 COMPANY; CONSUMERS ENERGY )  
 COMPANY; COOPER TIRE & )

RUBBER COMPANY; CSX RESIDUAL  
 COMPANY; DANNY CORPORATION; )  
 DEAN'S LIGHT BOX, INC.; )  
 DELMARVA POWER & LIGHT )  
 COMPANY; DIXON LUMBER )  
 COMPANY, INC.; DOMTAR PAPER )  
 COMPANY, LLC; DOREY ELECTRIC )  
 COMPANY; DUKE ENERGY )  
 CAROLINAS, LLC; DEQUESNE LIGHT )  
 COMPANY; EAST KENTUCKY )  
 POWER COOPERATIVE, INC.; )  
 ELECTRIC CONTROL EQUIPMENT )  
 CO.; ELECTRIC EQUIPMENT )  
 CORPORATION OF VIRGINIA; )  
 ENVIRONMENTAL PROTECTION )  
 SERVICES, INC.; ERACHEM )  
 COMILOG, INC.; FLORIDA POWER & )  
 LIGHT COMPANY; FOREMOST )  
 ELECTRIC & TRANSMISSION, INC.; )  
 FRONTIER COMMUNICATIONS )  
 CORPORATION; FURMAN )  
 UNIVERSITY; G&S MOTOR )  
 EQUIPMENT COMPANY, INC.; )  
 GENERAL ELECTRIC COMPANY; )  
 GENERAL EXTRUSIONS, INC.; )  
 GEORGIA POWER COMPANY; GKN )  
 DRIVELINE NORTH AMERICAN, INC.; )  
 GLADIEUX TRADING & MARKETING )  
 CO., LP, and/or LIMITED )  
 CORPORATION; GLENWOOD )  
 RESOLUTION AUTHORITY, INC.; )  
 GREEN CIRCLE GROWERS, INC.; )  
 GREENWOOD MILLS, INC.; )  
 GUERNSEY-MUSKINGUM ELECTRIC )  
 COOPERATIVE INC.; HAINES AND )  
 KIBBLEHOUSE, INC.; THE )  
 HOLLADAY CORPORATION, a/k/a )  
 Holladay Property Services Midwest, Inc.; )  
 HUDSON LIGHT AND POWER )  
 DEPARTMENT; IES COMMERCIAL, )  
 INC., and/or INTEGRATED )  
 ELECTRICAL SERVICES, INC.; )  
 IMERYS CARBONATES, LLC; )

INTERNATIONAL PAPER COMPANY; )  
 INTERTAPE POLYMER GROUP, INC.; )  
 CITY OF JACKSONVILLE, FLORIDA; )  
 JESSOP STEEL, LLC; KINGSFORT )  
 POWER COMPANY; KOBE COPPER )  
 PRODUCTS, INC.; KOCH INDUSTRIES, )  
 INC.; KRAFT FOODS GLOBAL, INC.; )  
 CITY OF LAKELAND, FLORIDA; )  
 LOCKWOOD'S ELECTRIC MOTOR )  
 SERVICE; TOWN OF LOUISBURG, )  
 NORTH CAROLINA; LWB )  
 REFRACTORIES COMPANY; MARTIN )  
 MARIETTA MATERIALS, INC.; )  
 MIDAMERICAN ENERGY COMPANY; )  
 MONONGAHELA POWER COMPANY; )  
 NIAGRA MOHAWK POWER )  
 CORPORATION; N.L. INDUSTRIES, )  
 INC.; NORFOLK SOUTHERN )  
 RAILWAY COMPANY; NORTH )  
 CAROLINA STATE UNIVERSITY; )  
 NORTH GEORGIA ELECTRIC )  
 MEMBERSHIP CORPORATION; )  
 HUNTINGTON INGALLS )  
 INCORPORATED.; NUCOR )  
 CORPORATION; O'BERRY NEURO- )  
 MEDICAL CENTER; OCCIDENTAL )  
 CHEMICAL CORPORATION; PACTIV )  
 CORPORATION; PALMETTO )  
 ELECTRIC COOPERATIVE, INC.; PCS )  
 PHOSPHATE COMPANY, INC.; )  
 PHARMACIA CORPORATION; )  
 POTOMAC ELECTRIC POWER )  
 COMPANY; PPG INDUSTRIES, INC.; )  
 PPL ELECTRIC UTILITIES )  
 CORPORATION; ROYAL STREET )  
 JUNK COMPANY, INC.; SANTEE )  
 ELECTRIC COOPERATIVE, INC.; )  
 SARA LEE CORPORATION; SONOCO )  
 PRODUCTS COMPANY; SOUTH )  
 CENTRAL POWER COMPANY; )  
 SOUTHLAND ELECTRICAL SUPPLY, )  
 INC.; ST. JOSEPH MEDICAL CENTER, )  
 INC; SUMTER ELECTRIC )

COOPERATIVE, INC., a/k/a SECO	)
Energy; T AND R ELECTRIC SUPPLY	)
COMPANY, INC.; TENNESSEE	)
ELECTRO-MINERALS, INC.;	)
TENNESSEE VALLEY AUTHORITY;	)
TRAP ROCK, INC.; TREDEGAR FILM	)
PRODUCTS CORPORATION; TRI-	)
STATE ARMATURE & ELECTRICAL	)
WORKS, INC.; UNIMIN	)
CORPORATION; UNION CARBIDE	)
CORPORATION; UNITED STATES AIR	)
FORCE; VEOLIA ENVIRONMENTAL	)
SERVICES WASTE-TO-ENERGY f/k/a	)
MONTENAY POWER CORPORATION;	)
and, SALES TRANSACTION	)
DEFENDANTS LIAISON,	)
Defendants.	)

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of defendant Georgia Power Company's Motion for Summary Judgment, plaintiffs' Cross-Motions for Summary Judgment, and the Motion for Entry of Judgment under Rule 54(b) as to Georgia Power Company filed by defendants Consolidation Coal Company and PCS Phosphate Company, Inc.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's orders entered February 1, 2013 and April 30, 2013, for the reasons set forth more specifically therein, that defendant Georgia Power Company's Motion for Summary Judgment is GRANTED, plaintiffs' cross-motions for summary judgment are DENIED, and the Motion for Entry of Judgment under Rule 54(b) as to Georgia Power Company filed by claimants Consolidation Coal Company and PCS Phosphate Company, Inc. is GRANTED. All claims against defendant Georgia Power Company in the current litigation have been disposed.

**This Judgment Filed and Entered on May 1, 2013, and Copies To:**

All Counsel of Record (via CM/ECF electronic notification)

May 1, 2013

JULIE A. RICHARDS, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk